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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,913	11/18/2003	Michael A. Fridley	P68283US0	4008

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EXAMINER
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DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/714,913

Applicant(s)

FRIDLEY, MICHAEL A.

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 12, 13 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/13/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 is objected to because of the following informalities: a) at line 11 of claim 7 "main body sealingly connected said inline adapter" is grammatically unclear.

Appropriate correction is required.

2. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 14 fails to further limit the parent claim, and in fact the limitation broadens the embodiment. Parent claim 7 sets forth that the water box assembly includes an inline adapter, a water box main body, a die plate, cutter blade hub and cutter blade. Claim 14 attempts to further limit the invention by negating the existence of the die plate, cutter blade hub and cutter blade; which is improper.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said annular ring" in 10. There is insufficient antecedent basis for this limitation in the claim. The annular ring will be treated as equivalent to the annular section of line 7 for examination purposes.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7-11 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersen (4,300,877).

Andersen teaches a water box assembly for an underwater pelletizer having a rotation shaft for cutting extruded pellets against a die plate coupled to an extruder housing (Fig 1) having a generally cylindrical water box main body (Fig 1, #20) having a longitudinal chamber surrounding the rotating shaft and having a flange on an inner periphery nearest the housing (Fig 1); an annular section/ inline adapter (Fig 1, #13) coupled between the water box main body and the die plate (Fig 1, #10) and secured to the housing by a first plurality of fastening elements (Fig 1, the screws connecting #s 10 and 13), the flange of the water box main body coupled to the annular ring (interpreted as the same as the annular section) with a second plurality of fastening elements (Fig 1, the pivotable screws illustrated at the left and right of the figure), so that the water box main body can be released from the annular ring, die plate and housing by the second plurality of fastening elements; the second plurality of fastening elements are fewer in

number than the first plurality of fastening elements; the annular section is sealingly connected to the die plate and the water box main body is sealingly connected to the annular section but is detachable therefrom without breaking the sealing connection between the annular section and the die plate; the first and second pluralities of fastening elements are interspersed around a circumference of the annular section (Fig 1); the inline adapter (Fig 1, #13) has a surface which mates with a corresponding surface of a flange on the water box main body for sealing connection thereto; the second plurality of fastening elements are a plurality of studs secured at first ends thereof in a flange of an extruder inlet housing and extending outwardly therefrom; and the assembly is defined by two pieces, the inline adapter and the water box main body.

The Examiner notes that despite differences in wording, the claims are broad enough that the die plate and annular section/ inline adapter can be interpreted as set forth above.

7. Claims 1-4, 7-11 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambertus (4,321,026).

Lambertus teaches a water box assembly for an underwater pelletizer having a rotation shaft for cutting extruded pellets against a die plate coupled to an extruder housing (Fig 1) having a generally cylindrical water box main body (Fig 1, #10) having a longitudinal chamber surrounding the rotating shaft and having a flange on an inner periphery nearest the housing (Fig 1, #3); an annular section/ inline adapter (Fig 1, #9) coupled between the water box main body and the die plate (Fig 1, #2) and secured to the housing by a first plurality of fastening elements (Fig 1, #25 and the screws

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connecting #s 2 and 3), the flange of the water box main body coupled to the annular ring (interpreted as the same as the annular section) with a second plurality of fastening elements (Fig 1, the screws shown adjacent #9 and below #25), so that the water box main body can be released from the annular ring, die plate and housing by the second plurality of fastening elements; the second plurality of fastening elements are fewer in number than the first plurality of fastening elements; the annular section is sealingly connected to the die plate and the water box main body is sealingly connected to the annular section but is detachable therefrom without breaking the sealing connection between the annular section and the die plate; the first and second pluralities of fastening elements are interspersed around a circumference of the annular section (Fig 1); the inline adapter (Fig 1, #9) has a surface which mates with a corresponding surface of a flange on the water box main body for sealing connection thereto; the second plurality of fastening elements are a plurality of studs secured at first ends thereof in a flange of an extruder inlet housing and extending outwardly therefrom; and the assembly is defined by two pieces, the inline adapter and the water box main body.

The Examiner notes that despite differences in wording, the claims are broad enough that the die plate and annular section/ inline adapter can be interpreted as set forth above.

8. Claims 1, 3-4, 7-9, 11 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al (5,593,702).

Harris et al teach a water box assembly for an underwater pelletizer having a rotation shaft for cutting extruded pellets against a die plate coupled to an extruder

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housing (Fig 3) having a generally cylindrical water box main body (Fig 3) having a longitudinal chamber surrounding the rotating shaft and having a flange on an inner periphery nearest the housing (Fig 3); an annular section/ inline adapter (Fig 3, #37) coupled between the water box main body and the die plate (Fig 3, #39) and secured to the housing by a first plurality of fastening elements (Fig 3, the screw illustrate at the top of the figure), the flange of the water box main body coupled to the annular ring (interpreted as the same as the annular section) with a second plurality of fastening elements (Fig 3, the screw illustrated at the bottom of the figure), so that the water box main body can be released from the annular ring, die plate and housing by the second plurality of fastening elements; the annular section is sealingly connected to the die plate and the water box main body is sealingly connected to the annular section but is detachable therefrom without breaking the sealing connection between the annular section and the die plate; the first and second pluralities of fastening elements are interspersed around a circumference of the annular section; the inline adapter (Fig 3, #37) has a surface which mates with a corresponding surface of a flange on the water box main body for sealing connection thereto; the second plurality of fastening elements are a plurality of studs secured at first ends thereof in a flange of an extruder inlet housing and extending outwardly therefrom; and the assembly is defined by two pieces, the inline adapter and the water box main body.

The Examiner notes that despite differences in wording, the claims are broad enough that the die plate and annular section/ inline adapter can be interpreted as set forth above.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al (5,593,702).

Harris et al teach the apparatus as discussed above.

Harris et al fail to teach the second plurality of fastening elements being fewer in number than the first plurality of fastening elements.

Regarding the relative number of elements, such differences would be utilized for the purpose of achieving desired connectedness while minimizing the number of elements.

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Harris et al because such a



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relation between the numbers has not patentable significance unless new and unexpected results are produced. In re Harza, 124 USPQ 378 (CCPA 1960).

***Allowable Subject Matter***

12. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 12-13 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***References of Interest***

14. Donahey (2,401,232) is cited of interest to show the state of the art.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, Mr. Duane Smith can be reached at (571) 272-1166. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).



Joseph S. Del Sole  
October 11, 2005